

**Remarks**

The Final Office Action mailed November 30, 2005 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-2, 6-9, and 12 are pending. Claims 1-2, 6-9, and 12 stand rejected. No claims have been amended or added.

The rejection of Claims 1-2, 6-9, and 12 under 35 U.S.C. 102(e) as being anticipated by Brodersen et al., U.S. Patent Application No. 2002/0065764 is respectfully traversed.

The Declaration in Support of Patentability submitted, September 6, 2005, illustrates that the subject matter of Applicant's claims was in fact invented prior to the December 17, 1999 filing date of Brodersen et al., and thus, the rejection of Claims 1-2, 6-9, and 12 over Brodersen et al. should be withdrawn.

The declaration recites at paragraph 4 “[t]o the extent that Brodersen et al. describes subject matter that relates to the Claimed Invention of the ‘079 application, the facts recited herein and the attached evidence shows that the subject matter claimed in the ‘079 patent application was conceived by me and reduced to practice prior to the date (December 17, 1999) asserted by the Office as the effective filing date of the parent application of Brodersen et al. Therefore, Brodersen et al. does not constitute prior art to the ‘079 application.” Furthermore, the declaration recites at paragraph 6 “[t]he concept was proven by a partial implementation using a database coding language in April 1999. A more complete implementation was planned in a different database coding language and **completed** in December 1999.” (emphasis added).

Notably, the invention disclosure submitted to the Examiner on September 6, 2005, is referenced in the Declaration. This invention disclosure was completed and signed by the inventor on December 6, 1999, and witnessed by a fellow employee on the same day. The invention disclosure illustrates that work had been diligently proceeding to reduce the invention to practice and that this Application was filed promptly and diligently. Moreover, the disclosure supports that the following were conceived by the inventor prior to the alleged priority date of Brodersen et al.:

(a) A networked-based parts distribution system, as described on page A3, paragraph 1.4.1-6 and pictorially on pages A4, A5, A6, A7, A8, and especially A9, item 2, where it is noted that the database is accessed via the Web.

(b) A plurality of buyer computers for operation by a system participant desiring to obtain one or more parts is clearly in the combination of A8 and A9, where sites are shown in disparate locations and database access is described as via the Web.

(c) A plurality of seller computer computers for operation by a system participant desiring to sell one or more parts is shown in the combination of A5, A6, A7, A8, A9, and A10, particularly wherein brokers (plural) upload information about parts. Also see page A3, paragraph 1.5 describing multiple suppliers.

(d) At least one server computer, wherein said buyer computers, said seller computers, and said server computer are interconnected as a computer network is shown A7, A8, and A9.

(e) Said server computer being programmed to receive part related data from said seller computers and use said data to maintain a database of all available parts is described at A3, paragraph 1.4.1-3, and is illustrated at A4-A8.

(f) Said server computer programmed to receive part requests from said buyer computers and select one or more parts from said database in response to said requests is described at page A3, paragraph 1.4.4-6, and is illustrated at A4-A8.

(g) Said parts in said database sorted into a plurality of inventory categories is shown and described at page A3, paragraph 1.4.1, and at A4, A5, A6, and A8.

(h) Said parts in at least one of said inventory categories further sorted into a plurality of sub-inventory categories based on part condition is shown and described at page A3, paragraph 1.4.1, and at A4, A5, and A6.

(i) A signed master agreement between said system participants, including said system participants desiring to sell parts and said system participants wishing to obtain

parts, is shown and described at page A6, paragraph 2 under item "OH" and at page A9, item 3.

(j) Said master agreement specifying terms of blanket purchase orders and said master agreement providing for auditing to check accuracy of said part-related data received from said seller computer is shown and described at "Central QC Records Approval" at page A4, by the same icon at page A5, and at the bullet point "Quality Control" on page A10.

(k) Said server computer to relay a purchase order consistent with said specified terms of blanket purchase orders issued by one of said buyer computers to an appropriate one of said seller computers is shown and described at page A3, paragraph 1.4.5 and 1.5, page A6, item 2 under "OH," page A8, "Web system issues a blanket PO to the respective site," page A9, items 3 and 4, and page A10.

(l) Said server computer selecting parts according to a buyer-specific picking order is shown and described at page A3, paragraphs 1.4.4, 1.4.5, and 1.5, page A6, item 2 under "OH," pages A7 and A8, "Customer picking rules looks to sub-inventory to fill demand, page A9, paragraph 2, and the first bullet point on page A10.

(m) The computer network is the Internet is shown and described at page A9, item 2 ("the Web").

Moreover, Brodersen et al. do not describe nor suggest a network-based parts distribution system as recited in Claim 1

Brodersen et al. describe a computerized method for marketing components or services wherein the method includes receiving a request for a requested component or service from a customer and determining whether the requested component or service is available to be provided to the customer. If the requested component or service is available to be provided to the customer, the requested component or service is offered to the customer. If the requested component or service is not available to the customer, a reverse auction for the requested component or service is conducted among a plurality of suppliers. Notably, Brodersen et al. do not describe nor suggest a signed master agreement between system participants, including system participants desiring to sell parts and system participants wishing to obtain parts, wherein the master agreement specifies the terms of blanket purchase

orders and the master agreement provides for auditing to check accuracy of the part-related data received from the seller computer. Moreover, Brodersen et al. do not describe nor suggest a server computer configured to relay a purchase order consistent with the specified terms of blanket purchase orders issued by one of the buyer computers to an appropriate one of the seller computers.

Claim 1 recites a network-based parts distribution system comprising “a plurality of buyer computers for operation by a system participant . . . a plurality of seller computers for operation by a system participant . . . at least one server computer, wherein said buyer computers, said seller computers and said server computer are interconnected as a computer network, said server computer being programmed to receive part related data from said seller computers and use said data to maintain a database of all available parts and to receive part requests from said buyer computers and select one or more parts from said database in response to said requests . . . a signed master agreement between said system participants, including said system participants desiring to sell parts and said system participants wishing to obtain parts, said master agreement specifying terms of blanket purchase orders and said master agreement providing for auditing to check accuracy of said part-related data received from said seller computer . . . and said server computer configured to relay a purchase order consistent with said specified terms of blanket purchase orders issued by one of said buyer computers to an appropriate one of said seller computers.”

Brodersen et al. do not describe nor suggest a network-based parts distribution system as recited in Claim 1. Specifically, Brodersen et al. do not describe nor suggest a signed master agreement between system participants, including system participants desiring to sell parts and system participants wishing to obtain parts, the master agreement specifying terms of blanket purchase orders and the master agreement providing for auditing to check accuracy of the part-related data received from the seller computer and wherein the server computer is configured to relay a purchase order consistent with the specified terms of blanket purchase orders issued by one of the buyer computers to an appropriate one of the seller computers. Rather, in contrast to the present invention, Brodersen et al. describes a computerized method for marketing components that include receiving a request for a requested component from a customer and determining whether the requested component is available to be provided to the customer. As such, Brodersen et al. do not describe nor suggest all of the claimed elements

of the present invention. Accordingly, Claim 1 is submitted to be patentable over Brodersen et al.

Claims 2 and 6 depend from independent Claim 1. When the recitations of Claims 2 and 6 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2 and 6 likewise are patentable over Brodersen et al.

Claim 7 recites “a method of distributing parts, said method comprising the steps of obtaining agreements from system participants, including buyers and sellers, to join in a network-based, automated virtual warehouse parts distribution system, including agreements to terms of blanket purchase orders and auditing to check accuracy of data describing parts posted by sellers . . . .”

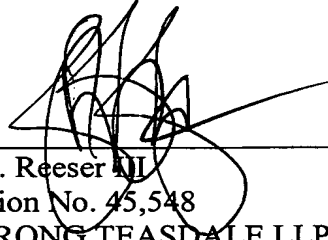
Brodersen et al. do not describe nor suggest a method of distributing parts as recited in Claim 7. Specifically, Brodersen et al. do not describe nor suggest a method of distributing parts including obtaining agreements from system participants, including buyers and sellers, to join in a network-based, automated virtual warehouse parts distribution system, including agreements to terms of blanket purchase orders and auditing to check accuracy of data describing parts posted by sellers. Rather, in contrast to the present invention, Brodersen et al. describes a computerized method for marketing components that include receiving a request for a requested component from a customer and determining whether the requested component is available to be provided to the customer. As such, Brodersen et al. do not describe nor suggest all of the claimed elements of the present invention. Accordingly, Claim 7 is submitted to be patentable over Brodersen et al.

Claims 8, 9, and 12 depend from independent Claim 7. When the recitations of Claims 8, 9, and 12 are considered in combination with the recitations of Claim 7, Applicants submit that dependent Claims 8, 9, and 12 likewise are patentable over Brodersen et al.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-2, 6-9, and 12 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Robert B. Reeser III', is written over a horizontal line.

Robert B. Reeser III  
Registration No. 45,548  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070